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U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
SANTA ANA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

UNITED STATES OF AMERICA, ) No. **SA CR 08 - 00156**  
Plaintiff, ) I N F O R M A T I O N  
v. ) [18 U.S.C. § 1001: False Statement]  
HENRY SAMUELI, )  
Defendant. )

The United States Attorney charges:

[18 U.S.C. § 1001]

1. At all times relevant to this Information, Broadcom Corporation ("Broadcom") was a corporation organized under the laws of the State of California, with its headquarters in Irvine, California, within the Central District of California. Broadcom's common stock was listed and publicly traded on the NASDAQ National Market under the symbol "BRCM."

2. At all times relevant to this Information, defendant Dr. Henry Samueli ("DR. SAMUELI") was Broadcom's Chief Technical Officer ("CTO") and a Broadcom corporate officer governed by Section 16 of the Securities Exchange Act of 1934 (a "Section 16 officer").

1        3. In or around 1998, Broadcom's board of directors and  
2 shareholders approved Broadcom's 1998 stock option plan ("the  
3 stock option plan"). The stock option plan authorized two  
4 separate committees of Broadcom's board of directors to grant  
5 stock options. One committee, known as the Compensation  
6 Committee, had "sole and exclusive authority" to grant options to  
7 Broadcom's Section 16 officers, and was required to be composed  
8 of two independent non-employee directors. The other committee,  
9 known as the Option Committee, was responsible for granting  
10 options to all Broadcom employees who were not Section 16  
11 officers.

12        4. At all times relevant to this Information, DR. SAMUELI  
13 was a member of Broadcom's Option Committee. At all times  
14 relevant to this Information, DR. SAMUELI was not a member of  
15 Broadcom's Compensation Committee and had no authority to grant  
16 options to Broadcom's Section 16 officers.

17        5. On or about May 25, 2007, within the Central District  
18 of California, in connection with an investigation regarding  
19 Broadcom's options granting process, DR. SAMUELI appeared for  
20 deposition before the staff of the Securities and Exchange  
21 Commission (the "SEC"), an agency of the executive branch of the  
22 United States government. In that deposition, in response to  
23 questioning by SEC staff, DR. SAMUELI testified as follows:

24            Q        Were you in any way involved in the process  
25 of grants to Section 16 Officers?

26            A        I was not involved in the actual granting  
27 process, but Mr. Nicholas would make me aware of the  
28 amount of the grants that he was going to give to his

1 direct reports, the Section 16 Officers. So, I was  
2 aware of the number, **but I wasn't involved in the**  
3 **process.**

4 (Emphasis added).

5 6. As DR. SAMUELI knew at the time, his statement to the  
6 SEC staff on May 25, 2007, as quoted above, was false in that, on  
7 or about January 3, 2002, and on or about January 22, 2002, he  
8 had been involved in the process of granting options to  
9 Broadcom's Section 16 officers, including, in particular, in the  
10 process of determining that Broadcom should "go with the 10/19  
11 price" for options to be granted to Broadcom's Section 16  
12 officers.

13 7. DR. SAMUELI's false testimony to the SEC staff on May  
14 25, 2007, as quoted above, was material to the SEC's decisions  
15 and actions in connection with its investigation of Broadcom's  
16 options granting process in that it had the capacity to influence  
17 those decisions and actions.

18  
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20 United States Attorney

21 CHRISTINE C. EWELL  
22 Assistant United States Attorney  
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